

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

SB IP HOLDINGS, LLC,

*Plaintiff,*

v.

VIVINT, INC.,

*Defendant.*

Case No. 4:20-cv-00886-ALM

**JURY TRIAL DEMANDED**

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF ITS PROPOSED  
FINDING OF FACTS AND CONCLUSIONS OF LAW  
REGARDING INEQUITABLE CONDUCT**

Plaintiff SB IP Holdings LLC (“SBIP”) hereby files this Notice of Supplemental Authority in Support of its Proposed Finding of Facts and Conclusions of Law Regarding Inequitable Conduct (Dkt. 511, Filed Under Seal on November 22, 2023 “Findings of Fact”). SBIP submits the Federal Circuit Court of Appeals’ recent decision in *Freshub, Inc. v. Amazon.com, Inc.*, 2022-1391, 2022-1425, Opinion (Fed. Cir. February 26, 2024) (attached as Exhibit A hereto).

On February 26, 2024, the Federal Circuit affirmed a district court’s finding that certain asserted patents were not unenforceable for inequitable conduct. Specifically, the Federal Circuit determined that certain statements made by counsel to the USPTO to revive an abandoned patent application were not shown to have been made with the requisite deceptive intent. *Id* (relevant portions highlighted in Exhibit A). The holding of the *Freshub* decision is germane to issues presently briefed and tried before this Court. SBIP submits the Federal Circuit’s recent decision as supplemental authority to its previously submitted briefing and bench trial evidence.

Dated: March 12, 2024

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**CERTIFICATE OF SERVICE**

I certify that the foregoing document is being served via the Court's CM/ECF system on March 12, 2024, on all counsel of record who consent to electronic service per Local Rule CV-5(a)(3) or, otherwise, as required by local and federal rules.

/s/ Rajkumar Vinnakota  
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